

**DURHAM, NORTH CAROLINA
MONDAY, AUGUST 4, 2008
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Absent: None.

Also present: City Manager Patrick Baker, Interim City Attorney Karen Sindelar, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the pledge of allegiance led by Council Member Clement.

Mayor Bell read a proclamation designating August 5, 2008 as National Night Out presented to Police Chief Lopez. Also, the Mayor recognized Coach Frank Davis of the Durham Striders who discussed the Russell E. Blunt East Coast Invitational Meet that was held July 18-20, 2008 at Duke University.

Council Member Woodard read a Resolution Memorializing Ella Fountain Keesler Pratt that was presented to her son Lanier Pratt, Jr., and Sherry DeVries, Executive Director of the Durham Arts Council.

Mayor Bell recognized City Clerk D. Ann Gray for receiving the designation of Master Municipal Clerk [MMC] from the International Institute of Municipal Clerks.

Council Members made comments on the following events attended and special recognition of individuals, organizations, etc:

Mayor Pro Tempore Cole-McFadden congratulated Maya Bryant for being selected to represent North Carolina at the 2008 Miss America Pre-Teen Pageant and crowned Miss North Carolina 2008.

Council Member Woodard extended congratulations to the 16 graduates of the Police Academy.

Council Member Clement congratulated Ken Browning, past coach at Northern High School and Richard Hicks former principal at Hillside High School for being inducted into the N C High School Athletic Association Hall of Fame.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Baker requested that agenda items 52 and 58 be referred back to the administration. He recognized Public Affairs Director Beverly Thompson who updated Council on the changes to the Council Chambers to include, monitors, audio and visual equipment, new podium, voting

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system, new equipment in the computer room, and monitors at each Council Member's seat, the system designed to help the hearing impaired and closed captioning. She recognized her staff and others who were involved in the process.

MOTION by Council Member Woodard seconded by Council Member Catotti to approve the City Manager's priority items was approved at 7:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Interim City Attorney Karen Sindelar asked that following action be taken regarding the start date for City Manager Thomas J. Bonfield.

SUBJECT: AMENDMENT TO EMPLOYMENT AGREEMENT FOR THOMAS J. BONFIELD

MOTION by Council Member Clement seconded by Council Member Woodard to authorize the start date [August 11, 2008] for City Manager Thomas J. Bonfield was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

City Clerk Ann Gray informed Council that the protest petition filed against GBA #50 [Zoning Map Change – Fairfield at Hillandale] has been found to be invalid due to the removal of signatures and that a valid protest petition has been filed against GBA#57 [Zoning Map Change – Gateway Terrace].

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to approve the City Clerk's priority items was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. No items were pulled from the Consent Agenda.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the Consent Agenda was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve City Council minutes for the May 19, 2008, June 2, 2008 and June 16, 2008 City Council Meetings;

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To approve City Council action taken at the May 22, 2008 and June 5, 2008 City Council Work Sessions; and

To approve minutes for the June 9, 2008 Joint Meeting of the Durham City Council and Durham Board of County Commissioners was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: PASSENGER VEHICLE FOR HIRE COMMISSION - RECEIPT AND ACCEPTANCE OF AN APPLICATION

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive and accept an application for a citizen to fill one (1) vacancy on the Passenger Vehicle For Hire Commission with the term to expire on January 1, 2010 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: DURHAM AREA TRANSIT AUTHORITY - RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive and accept applications for a citizen to fill one (1) vacancy on the Durham Area Transit Authority with the term to expire on March 1, 2009 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: CITIZENS ADVISORY COMMITTEE - RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive and accept applications to fill three (3) vacancies on the Citizens Advisory Committee with two terms expiring on June 30, 2010 and one term expiring on June 30, 2011 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: WORKFORCE DEVELOPMENT BOARD – RECEIPT AND ACCEPTANCE OF APPLICATIONS AND APPOINTMENTS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive and accept applications and to appoint the following citizens to the Workforce Development Board to represent Private Sector as recommended by the Durham Chamber of Commerce with the terms to expire on June 30, 2010, Robin Carole Miller, Janis M. Clark,

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Autrice Campbell Long and John A. Rodriguez was approved at 7:46 p.m. by the following vote:
Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: RECREATION ADVISORY COMMISSION - RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive and accept applications for citizens to fill three (3) vacancies on the Recreation Advisory Commission with two (2) terms to expire on August 8, 2011 and one (1) term to expire on August 8, 2010 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: DURHAM CIVIC CENTER AUTHORITY - RECEIPT AND ACCEPTANCE OF AN APPLICATION

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive and accept an application for a citizen to fill one (1) vacancy on the Durham Civic Center with the term to expire on July 31, 2011 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: SETTING A PUBLIC HEARING REGARDING PROPOSED MINIMUM NONRESIDENTIAL BUILDING CODE AND RECENT MODIFICATION OF MINIMUM HOUSING CODE

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to set a public hearing for August 18, 2008 to receive citizen comments on the Proposed Minimum Nonresidential Building Code and recent amendment to the Minimum Housing Code was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: BID REPORT - MAY 2008

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of May 2008 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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Date: **June 3, 2008**

To: Patrick W. Baker, City Manager

Through: Wanda S. Page, Deputy City Manager
 Keith Herrmann, Interim Finance Director

From: Joseph W. Clark, CLGPO, Purchasing Manager

Subject: Bid Report – May 2008

Recommendation

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of **May 2008**.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. Bid: Two (2) Compact Sedans

Purpose of Bid: To provide Neighborhood Improvement Services and Water Management with compact sedans

Comments: Two sedans at \$15,000 each

Opened: April 21, 2008

Bidders:	University Ford	* \$30,000.00
	Durham, NC	
	Vic Bailey Ford	\$30,994.00
	Spartanburg, SC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	201		# Black Males	19	9%
Total # Females	26	13%	# White Males	153	76%
Total # Males	175	87%	# Other Males	3	2%
			# Black Females	2	1%
			# White Females	24	12%
			# Other Females	0	0%

2. Bid: One (1) 18,000 GVWR Cab & Chassis

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Purpose of Bid: To provide the General Services Department with a small dump truck

Comments:

Opened: April 21, 2008

Bidders:	University Ford	* \$27,529.00
	Durham, NC	
	Vic Bailey Ford	\$30,085.00
	Spartanburg, SC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	201		# Black Males	19	9%
Total # Females	26	13%	# White Males	153	76%
Total # Males	175	87%	# Other Males	3	2%
			# Black Females	2	1%
			# White Females	24	12%
			# Other Females	0	0%

3. Bid: One (1) Compact 4 X 4 Sports Utility Vehicle

Purpose of Bid: To provide the Storm Water Division with a sport utility vehicle.

Comments:

Opened: April 29, 2008

Bidders:	University Ford	* \$18,633.00
	Durham, NC	
	Vic Bailey Ford	\$18,724.00
	Spartanburg, SC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	201		# Black Males	19	9%
Total # Females	26	13%	# White Males	153	76%
Total # Males	175	87%	# Other Males	3	2%

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# Black Females	2	1%
# White Females	24	12%
# Other Females	0	0%

4. Bid: One (1) 12,600 GVWR Crew Cab Pickup Truck

Purpose of Bid: To provide the General Services Department with a crew cab pickup Truck.

Comments:

Opened: April 22, 2008

Bidders:	University Ford	* \$21,285.00
	Durham, NC	
	Vic Bailey Ford	\$22,454.00
	Spartanburg, SC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	201		# Black Males	19	9%
Total # Females	26	13%	# White Males	153	76%
Total # Males	175	87%	# Other Males	3	2%
			# Black Females	2	1%
			# White Females	24	12%
			# Other Females	0	0%

5. Bid: 72" Cut Commercial Mower

Purpose of Bid: To provide the Solid Waste Management Department with a mower

Comments:

Opened: May 1, 2008

Bidders:	Smith Turf & Irrigation	* \$15,614.70
	Charlotte, NC	
	Turf Equipment and Supply Company	\$19,819.00
	Fairfax, VA	

*Awarded based on: X Low Bid _____ Other (See Comments)

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WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	231		# Black Males	22	10%
Total # Females	32	14%	# White Males	162	70%
Total # Males	199	86%	# Other Males	15	6%
			# Black Females	3	1%
			# White Females	29	13%
			# Other Females	0	0%

6. Bid: One (1) Hewlett Packard T1100 MFP Designjet Plotter/Scanner

Purpose of Bid: To provide the Public Works Department with a Plotter/Scanner

Comments:

Opened: April 30, 2008

Bidders:	Accent Imaging	* \$20,645.00
	Raleigh, NC	
	Tereck Office Solutions	\$20,661.15
	Durham, NC	
	Hewlett Packard	\$21,126.00
	Palo Alto, CA	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	62		# Black Males	5	8%
Total # Females	19	31%	# White Males	37	60%
Total # Males	43	69%	# Other Males	1	1%
			# Black Females	3	5%
			# White Females	16	26%
			# Other Females	0	0%

7. Bid: Portable Air Conditioners for Technology Solutions

Purpose of Bid: To provide two (2) portable air conditioners @ \$7,854.00 each for spot air cooling in Technology Solutions.

Comments:

Opened: April 28, 2008

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Bidders:	Portable Air Group	*\$14,500.01
	Chapel Hill, NC	
	Spot Coolers	\$16,042.00
	Charlotte, NC	
	AJ Madison	\$20,258.00
	Brooklyn, NY	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	1		# Black Males	0	0%
Total # Females	0	0%	# White Males	1	100%
Total # Males	1	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

8. Bid: Software License for Vehicle Computers for Inspections

Purpose of Bid: To provide the City/County Inspections Department with software license for vehicle computers

Comments: This is a software license renewal

Opened: May 1, 2008

Bidders:	Mobility IT	*\$10,642.50
	Holly Springs, NC	

*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	5		# Black Males	0	0%
Total # Females	3	60%	# White Males	2	40%
Total # Males	2	40%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	3	60%
			# Other Females	0	0%

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9. Bid: Safety and Pressure Valves for South Durham WRF

Purpose of Bid: To replace safety and pressure valves at the SDWRF

Comments:

Opened: May 2, 2008

Bidders:	Combs & Associates, Inc.	*\$27,400.00
	Charlotte, NC	
	Walker Process Equipment	\$40,628.00
	Aurora, IL	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	6		# Black Males	0	0%
Total # Females	3	50%	# White Males	3	50%
Total # Males	3	50%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	3	50%
			# Other Females	0	0%

10. Bid: One (1) Mid-sized Sports Utility Vehicle

Purpose of Bid: To provide the Police Department with an SUV

Comments:

Opened: May 1, 2008

Bidders:	University Ford	* \$19,105.00
	Durham, NC	
	Vic Bailey Ford	\$21,868.00
	Spartanburg, SC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	201		# Black Males	19	9%
Total # Females	26	13%	# White Males	153	76%

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Total # Males	175	87%	# Other Males	3	2%
			# Black Females	2	1%
			# White Females	24	12%
			# Other Females	0	0%

11. Bid: One (1) Backhoe Tractor

Purpose of Bid: To provide the Water & Sewer Maintenance division with a backhoe tractor.

Comments:

Opened: May 1, 2008

Bidders:	Gregory Poole Equipment Co.	* \$89,500.00
	Raleigh, NC	
	Kelly Tractor Company	\$95,299.00
	Miami, FL	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	512		# Black Males	41	8%
Total # Females	68	13%	# White Males	386	75%
Total # Males	444	87%	# Other Males	17	3%
			# Black Females	5	1%
			# White Females	60	12%
			# Other Females	3	1%

12. Bid: Two (2) Transit Bus Lifts

Purpose of Bid: To provide the Durham Area Transit Authority with bus lifts

Comments:

Opened: April 29, 2008

Bidders:	Alan Tye & Associates, LC	* \$52,000.00
	Fairfax, VA	
	Automotive Resources, Inc.	\$65,062.18
	Manassas, VA	
	Gray Manufacturing Company, Inc.	\$92,082.00
	St. Joseph, MO	

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*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	5		# Black Males	0	0%
Total # Females	2	40%	# White Males	3	60%
Total # Males	3	60%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	40%
			# Other Females	0	0%

13. Bid: Two (2) Police Motorcycles

Purpose of Bid: To provide the Police Department with motorcycles

Comments: Two (2) @ \$16,173.85 each

Opened: April 29, 2008

Bidders:	Shelton's Harley-Davidson of Durham Durham, NC	* \$32,347.70
	Davis Harley-Davidson Burlington, NC	\$36,583.70

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	20		# Black Males	0	0%
Total # Females	9	45%	# White Males	11	55%
Total # Males	11	55%	# Other Males	0	0%
			# Black Females	3	15%
			# White Females	5	25%
			# Other Females	1	5%

14. Bid: Walk-in Freezer and Cooler

Purpose of Bid: To provide a walk-in freezer and cooler for the Durham Performing Arts Center

Comments: Bids were solicited from several bidders and only one response was received

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Opened: May 5, 2008

Bidders: Redds Restaurant Equipment * \$21,239.01
Durham, NC

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	5		# Black Males	2	40%
Total # Females	1	20%	# White Males	2	40%
Total # Males	4	80%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	20%
			# Other Females	0	0%

15. Bid: Two (2) Brine Making Systems

Purpose of Bid: To provide the Public Works Department with Brine Makers

Comments: Two systems @ \$17,241.92 each

Opened: May 2, 2008

Bidders: GVM Snow Equipment * \$34,483.84
Biglerville, PA
Chloride Solutions, Inc. \$37,950.00
Dayton, OH

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	104		# Black Males	0	0%
Total # Females	16	15%	# White Males	88	85%
Total # Males	88	85%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	16	15%
			# Other Females	0	0%

16. Bid: One (1) Crew Cab Pickup Truck

Purpose of Bid: To provide the Police Department with a pickup truck

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Comments:

Opened: May 8, 2008

Bidders: University Ford * \$27,976.00
Durham, NC
Vic Bailey Ford \$28,013.00
Spartanburg, SC

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	201		# Black Males	19	9%
Total # Females	26	13%	# White Males	153	76%
Total # Males	175	87%	# Other Males	3	2%
			# Black Females	2	1%
			# White Females	24	12%
			# Other Females	0	0%

17. Bid: One (1) Swaploader Hooklift System

Purpose of Bid: To provide the Street Maintenance Division with a Brine Application system

Comments:

Opened: May 1, 2008

Bidders: R/S Truck Body Company * \$72,224.00
Ivel, KY
GVM Snow Equipment \$79,526.66
Biglerville, PA

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	85		# Black Males	0	0%
Total # Females	6	7%	# White Males	78	92%
Total # Males	79	93%	# Other Males	1	1%
			# Black Females	0	0%

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# White Females	6	7%
# Other Females	0	0%

18. Bid: One (1) Cross-over Sports Utility Vehicle

Purpose of Bid: To provide the Police Department with an SUV

Comments:

Opened: May 8, 2008

Bidders:	University Ford	* \$23,700.00
	Durham, NC	
	University GMC Superstore	\$28,150.00
	Durham, NC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	201		# Black Males	19	9%
Total # Females	26	13%	# White Males	153	76%
Total # Males	175	87%	# Other Males	3	2%
			# Black Females	2	1%
			# White Females	24	12%
			# Other Females	0	0%

19. Bid: One (1) Galvanized Water Trailer

Purpose of Bid: To provide the Street Maintenance Division with a trailer

Comments:

Opened: May 1, 2008

Bidders:	Rice Trailers Company	* \$13,000.00
	Denison, IA	
	Gregory Poole Equipment Company	\$14,250.00
	Raleigh, NC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

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Total Workforce	10		# Black Males	0	0%
Total # Females	0	0%	# White Males	10	100%
Total # Males	10	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%

20. Bid: One (1) 20' Trash Dump Body

Purpose of Bid: To provide the Solid Waste Department with a Truck body

Comments:

Opened: May 8, 2008

Bidders:	Godwin Manufacturing Co.	* \$11,575.00
	Dunn, NC	
	Allwaste Services, Inc.	\$12,990.00
	Lexington, SC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	174		# Black Males	26	15%
Total # Females	42	24%	# White Males	70	40%
Total # Males	132	76%	# Other Males	36	21%
			# Black Females	4	2%
			# White Females	33	19%
			# Other Females	5	3%

21. Bid: One (1) Police Patrol Vehicle

Purpose of Bid: To provide the Police Department with a Police Patrol Vehicle

Comments:

Opened: May 20, 2008

Bidders:	Vic Bailey Ford	* \$21,434.00
	Spartanburg, SC	
	University Ford	\$21,641.00
	Durham, NC	

*Awarded based on: X Low Bid _____ Other (See Comments)

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WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	80		# Black Males	9	11%
Total # Females	15	19%	# White Males	56	70%
Total # Males	65	81%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	15	19%
			# Other Females	0	0%

22. Bid: Purchase and Installation of Biological Safety Cabinets

Purpose of Bid: These storage cabinets will be used by the Police/Forensic Division

Comments:

Opened: May 20, 2008

Bidders:	Esco Technologies, Inc.	*\$10,668.25
	Hatboro, PA	
	NuAire, Inc.	\$12,949.00
	Plymouth, MN	
	Germfree	\$14,025.00
	Ormond Beach, FL	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	5		# Black Males	1	20%
Total # Females	2	40%	# White Males	2	40%
Total # Males	3	60%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	40%
			# Other Females	0	0%

23. Bid: One (1) Mid-Sized Sedan

Purpose of Bid: To provide the Police Department with a vehicle

Comments:

Opened: May 27, 2008

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Bidders:	Southern States Nissan	* \$23,259.00
	Raleigh, NC	
	Michael Jordan Nissan	\$23,288.00
	Durham, NC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	51		# Black Males	15	(30%)
Total # Females	7	(14%)	# White Males	29	(57%)
Total # Males	44	(86%)	# Other Males	0	(0%)
			# Black Females	4	(8%)
			# White Females	3	(6%)
			# Other Females	0	(0%)

24. Bid: Misc. Police In-Car Computer Mounting Hardware

Purpose of Bid: To provide the Police Department with mounting hardware for their in-car computers

Comments:

Opened: May 23, 2008

Bidders:	Dana Safety Supply, Inc.	* \$30,587.50
	Greensboro, NC	
	CDW-G	\$35,000.00
	Vernon Hills, IL	
	USAT Corporation	\$35,255.30
	Chapel Hill, NC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	9		# Black Males	0	(0%)
Total # Females	2	(23%)	# White Males	7	(77%)
Total # Males	7	(77%)	# Other Males	0	(0%)
			# Black Females	0	(0%)
			# White Females	2	(23%)
			# Other Females	0	(0%)

August 4, 2008

25. Bid: Gas Detector Parts

Purpose of Bid:

Comments: To replace gas detector parts at the North and South Durham WRF Plants

Opened: May 21, 2008

Bidders: MSA *\$25,983.00
Pittsburgh, PA

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	8		# Black Males	0	0%
Total # Females	3	38%	# White Males	5	62%
Total # Males	5	62%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	3	38%
			# Other Females	0	0%

26. Bid: Repair Parts for the South and North Durham WRF Plants UV Circuit Boards

Purpose of Bid:

Comments: These are repairs parts to match existing boards at both plant locations

Opened: May 21, 2008

Bidders: EW2 Environmental Inc. *\$27,354.00
Charlotte, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	8		# Black Males	0	0%
Total # Females	3	38%	# White Males	5	62%
Total # Males	5	62%	# Other Males	0	0%

August 4, 2008

# Black Females	0	0%
# White Females	3	38%
# Other Females	0	0%

27. Bid: Fairbanks Morse Submersible Pump

Purpose of Bid: To purchase the North Durham WRF a non-clog submersible sewage pump

Comments:

Opened: May 21, 2008

Bidders:	Electric Motor Shop	*\$23,639.00
	Wake Forest, NC	
	Holland Industrial	\$24,560.00
	Henderson, NC	
	Pumps, Blowers & Electric	\$24,713.00
	Durham, NC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	49		# Black Males	0	0%
Total # Females	11	22%	# White Males	28	57%
Total # Males	38	78%	# Other Males	10	20%
			# Black Females	0	0%
			# White Females	11	23%
			# Other Females	0	0%

28. Bid: Peoplemap Training Materials

Purpose of Bid: To provide the City Manager's office with 500 sets of training materials.

Comments: Peoplemap Training is the only known source for these materials. The materials will be used for conducting the program "Building a Strength Based Organization Using Peoplemap".

500 sets @ \$25 each

Opened: May 20, 2008

August 4, 2008

Bidders: People Map Systems * \$12,500.00
Lutz, FL

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	2		# Black Males	0	0%
Total # Females	1	50%	# White Males	1	50%
Total # Males	1	50%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	50%
			# Other Females	0	0%

29. **Bid:** **Two (2) Cab Mounted Material Handling Knuckle Boom Loaders**

Purpose of Bid: To provide the Solid Waste Management Department with Material Handling Knuckle Boom Loaders

Comments: Two @ \$41,874.00 each.

Opened: May 20, 2008

Bidders: Amick Equipment Company, Inc. * \$83,748.00
Lexington, SC
Allwaste Services, Inc. \$86,232.00
Lexington, SC

*Awarded based on: ☒ Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	20		# Black Males	0	0%
Total # Females	4	20%	# White Males	16	80%
Total # Males	16	80%	# Other Males	0	0%
			# Black Females	1	5%
			# White Females	3	15%
			# Other Females	0	0%

30. **Bid:** **72" Cut Commercial Mower**

Purpose of Bid: To provide the General Services Department with new mowers

Comments: Two mowers @ \$15,614.70 each

August 4, 2008

Opened: May 20, 2008

Bidders:	Smith Turf & Irrigation	* \$31,229.40
	Charlotte, NC	
	Turf Equipment and Supply Company	\$39,638.00
	Fairfax, VA	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	231		# Black Males	22	10%
Total # Females	32	14%	# White Males	162	70%
Total # Males	199	86%	# Other Males	15	6%
			# Black Females	3	1%
			# White Females	29	13%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for these items.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

SUBJECT: BID REPORT - JUNE 2008

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of June 2008 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Date: June 30, 2008

To: Patrick W. Baker, City Manager

Through: Wanda S. Page, Deputy City Manager
Keith Herrmann, Interim Finance Director

From: Joseph W. Clark, CLGPO, Purchasing Manager

Subject: Bid Report – June 2008

Recommendation

August 4, 2008

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of **June 2008**.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid: Replace Existing Rain Gutters and Downspout System at Fleet Maintenance**

Purpose of Bid: To replace the aging gutter and downspout system at the Fleet Maintenance Building.

Comments:

Opened: April 30, 2008

Bidders:	Allen & Sons Exteriors	* \$24,850.00
	Durham, NC	
	Guttermasters & Roofing	\$29,993.00
	Durham, NC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	6		# Black Males	0	0%
Total # Females	1	20%	# White Males	4	60%
Total # Males	5	80%	# Other Males	1	20%
			# Black Females	0	0%
			# White Females	1	20%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

2. **Bid: One (1) 8,600 GVWR Pickup Truck**

Purpose of Bid: To provide the Street Cleaning Division with a pickup truck

Comments:

Opened: May 14, 2008

Bidders:	University Ford	* \$15,940.00
	Durham, NC	
	Vic Bailey Ford	\$15,941.00
	Spartanburg, SC	

August 4, 2008

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	201		# Black Males	19	9%
Total # Females	26	13%	# White Males	153	76%
Total # Males	175	87%	# Other Males	3	2%
			# Black Females	2	1%
			# White Females	24	12%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

3. Bid: Printing and Fulfillment for the 2007 Water Quality Brochure

Purpose of Bid: To print, fold, and mail the 2007 Water Quality Brochure

Comments:

Opened: June 3, 2008

Bidders:	Marketplace-Mail.com	* \$41,680.00
	Raleigh, NC	
	Ad Resources, Inc.	\$43,993.25
	Durham, NC	
	Theo Davis Printing, Inc.	\$52,281.00
	Zebulon, NC	
	Cary Printing Company	\$55,650.34
	Cary, NC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	2		# Black Males	0	0%
Total # Females	1	50%	# White Males	1	50%
Total # Males	1	50%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	1	50%

The SDBE Data Base was used in the solicitation of bids for this item.

4. Bid: Dog Park Waste Receptacles

Purpose of Bid: To provide the dog park with waste receptacles.

August 4, 2008

Comments:

Opened: May 29, 2008

Bidders: Yuckos *\$10,270.00
Maryland Heights, MO
ProPet Distributors \$11,990.65
Orlando, FL

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	3		# Black Males	0	0%
Total # Females	2	67%	# White Males	1	33%
Total # Males	1	33%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	67%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

5. Bid: ArcView Software License Renewal

Purpose of Bid:

Comments: To renew the current software license for the Public Works/Street Maintenance Division

Opened: June 5, 2008

Bidders: Geographic Technologies Group Inc. *\$25,798.00
Goldsboro, NC

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	28		# Black Males	1	3.5%
Total # Females	7	25%	# White Males	19	67.86%
Total # Males	21	75%	# Other Males	1	3.5%
			# Black Females	1	3.5%

August 4, 2008

# White Females	6	21.43%
# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

6. Bid: Police Records Mobile Storage Solution

Purpose of Bid: To provide the Police Forensics Division with a Records Mobile Storage Solution

Comments: Gregory Grier did not bid on all of the required items.

Opened: May 20, 2008

Bidders:	Gregory Grier, Inc. (did not meet specifications)	\$17,659.00
	Charlotte, NC	
	Patterson Pope	* \$25,055.00
	Cary, NC	
	American Specialty	\$30,677.00
	Florence, SC	

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	21		# Black Males	1	5%
Total # Females	6	28%	# White Males	13	62%
Total # Males	15	72%	# Other Males	1	5%
			# Black Females	0	0%
			# White Females	6	28%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

7. Bid: Police Emergency Strobe Warning Lights

Purpose of Bid: To provide the Police Department with warning lights for their vehicles

Comments: 160 warning lights @ \$78.186 each

Opened: June 2, 2008

Bidders:	Dana Safety Supply, Inc.	* \$12,509.80
	Greensboro, NC	
	Fast Track Mobile Electronics	\$12,742.40
	Durham, NC	
	Diesel Equipment Company	\$13,689.60

August 4, 2008

Greensboro, NC

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	9		# Black Males	0	0%
Total # Females	2	23%	# White Males	7	77%
Total # Males	7	77%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	23%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

8. Bid: One (1) Mid-Sized Sedan

Purpose of Bid: To provide the Police Department with a mid-sized vehicle.

Comments:

Opened: May 29, 2008

Bidders:	Parks Chevrolet	* \$22,747.23
	Kernersville, NC	
	Vic Bailey Ford	\$23,000.00
	Spartanburg, SC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	125		# Black Males	23	18%
Total # Females	13	11%	# White Males	87	70%
Total # Males	112	89%	# Other Males	2	1%
			# Black Females	0	0%
			# White Females	12	10%
			# Other Females	1	1%

The SDBE Data Base was used in the solicitation of bids for this item.

9. Bid: Kustom Signals Data Management System

Purpose of Bid: To provide the Police Department with tools to analyze in-car digital and video tapes.

August 4, 2008

Comments: The City has standardized on the Kustom Signals brand of In-Car Video systems

Opened: May 23, 2008

Bidders: Kustom Signals, Inc. * \$22,605.00
Lenexa, KS

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	197		# Black Males	1	1%
Total # Females	96	49%	# White Males	97	49%
Total # Males	101	51%	# Other Males	3	1%
			# Black Females	1	1%
			# White Females	91	46%
			# Other Females	4	2%

The SDBE Data Base was used in the solicitation of bids for this item.

10. Bid: Software License Renewal

Purpose of Bid:

Comments: To renew the Primavera Software License for the Public Works Department

Opened:

Bidders: Primavera Systems, Inc. *\$16,576.00
Bala Cynwyd, PA

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	541		# Black Males	21	4%
Total # Females	181	33.5%	# White Males	283	52%
Total # Males	360	66.5%	# Other Males	56	10.5%
			# Black Females	25	5%
			# White Females	128	24%
			# Other Females	28	4.5%

The SDBE Data Base was used in the solicitation of bids for this item.

August 4, 2008

11. Bid: Thirty-eight (38) Mobile Video Cameras with trade-in

Purpose of Bid: To provide the Police Department with In-Car Video Systems

Comments: The City has standardized on the Kustom Signals brand of In-Car Video systems.

38 systems @ \$1,050.00 each

Opened: May 22, 2008

Bidders: Kustom Signals, Inc. * \$39,900.00
Lenexa, KS

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	197		# Black Males	1	1%
Total # Females	96	49%	# White Males	97	49%
Total # Males	101	51%	# Other Males	3	1%
			# Black Females	1	1%
			# White Females	91	46%
			# Other Females	4	2%

The SDBE Data Base was used in the solicitation of bids for this item.

12. Bid: 50' Aerial Device Body

Purpose of Bid: To provide the General Services Department with an Aerial Device Body

Comments:

Opened: June 9, 2008

Bidders: Altec Industries, Inc. * \$68,949.00
Creedmoor, NC
Global Rental Company, Inc. \$73,887.00
Birmingham, AL

*Awarded based on: ☒ Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

August 4, 2008

Total Workforce	2796		# Black Males	86	32%
Total # Females	26	10%	# White Males	148	55%
Total # Males	243	90%	# Other Males	9	3%
			# Black Females	9	3%
			# White Females	17	7%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

13. Bid: Portable Refrigerated Samplers and Misc Accessories

Purpose of Bid: To provide the Public Works/Stormwater Division with water sample collection equipment.

Comments: Johnston, Inc. is the east coast regional distributor for these items.

Opened: N/A

Bidders: Johnston, Inc. *\$14,399.15
Indian Trail, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	14		# Black Males	0	0%
Total # Females	2	15%	# White Males	10	65%
Total # Males	12	85%	# Other Males	2	15%
			# Black Females	0	0%
			# White Females	2	15%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

14. Bid: Annual Requirements for Ready Mixed Concrete

Purpose of Bid: To provide city departments/divisions with their annual requirements for ready mixed concrete.

Comments:

Opened: June 18, 2008

Bidders: Carolina Sunrock *\$71,520.00
Butner, NC

August 4, 2008

Chandler Concrete	\$80,190.00
Burlington, NC	
Ready Mixed Concrete	\$111,440.00
Raleigh, NC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	197		# Black Males	56	28%
Total # Females	23	12%	# White Males	103	52%
Total # Males	174	88%	# Other Males	15	8%
			# Black Females	1	1%
			# White Females	22	11%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

**SUBJECT: BIDS - TERM CONTRACT FOR ASPHALTIC CONCRETE - CAROLINA
SUNROCK CORPORATION**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to accept the bid from Carolina Sunrock Corporation in the amount of \$803,375.00 for providing the City with its Estimated Annual Requirements for Asphaltic Concrete;

To authorize the City Manager to enter into a contract with Carolina Sunrock Corporation in the amount of \$803,375.00 for providing the City with its Estimated Annual Requirements for Asphaltic Concrete; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: BIDS - TERM CONTRACT FOR AGGREGATES - CAROLINA
SUNROCK CORPORATION**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to accept the bid from Carolina Sunrock Corporation in the amount of \$176,727.50 for Section I -

August 4, 2008

Aggregates Delivered and Section II – Aggregates – Picked Up and Hanson Aggregates Southeast, Inc. in the amount of \$101,175.00 for Section III – Special Aggregates Delivered;

To authorize the City Manager to enter into contracts with Carolina Sunrock Corporation in the amount of \$176,727.50 for Section I - Aggregates Delivered and Section II – Aggregates – Picked Up and Hanson Aggregates Southeast, Inc. in the amount of \$101,175.00 for Section III – Special Aggregates Delivered; and

To authorize the City Manager to modify the contracts before execution provided that modifications do not increase the dollar amount of the contracts and the modifications are consistent with the general intent of the existing version of the contracts was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: BIDS - TERM CONTRACT FOR GASOLINE - JAMES RIVER SOLUTIONS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to accept the bid from James River Solutions, in the amount of \$6,222,780.00 for providing the City with its Estimated Multi-Year Requirements for Gasoline;

To authorize the City Manager to enter into a contract with James River Solutions, in the amount of \$6,222,780.00 for providing the City with its Estimated Multi-Year Requirements for Gasoline; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: STREET CLOSING - 69.58 LINEAR FOOT PORTION OF RAMSEUR STREET (SC0800002)

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt a resolution to set a public hearing on September 2, 2008, for the proposed closing of a 69.58 linear foot portion of Ramseur Street was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9585

August 4, 2008

**SUBJECT: STREET CLOSING - 501.05 LINEAR FEET UNNAMED ALLEY
BETWEEN SOUTH DILLARD STREET AND SOUTH ELIZABETH
STREET (SC0800003)**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt a resolution to set a public hearing on September 2, 2008, for the proposed closing of a 501.05 linear feet unnamed alley between South Dillard Street and South Elizabeth Street was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9586

**SUBJECT: STREET CLOSING - 360.52 LINEAR FEET OF EAST PEABODY
STREET BETWEEN SOUTH DILLARD STREET AND SOUTH
ELIZABETH STREET (SC0800004)**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt a resolution to set a public hearing on September 2, 2008, for the proposed closing of 360.52 linear feet of East Peabody Street between South Dillard Street and South Elizabeth Street was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9587

**SUBJECT: STREET CLOSING – 138.96 LINEAR FEET OF AN UNNAMED ALLEY
BETWEEN EAST PEABODY STREET AND EAST RAMSEUR STREET
(SC0800005)**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt a resolution to set a public hearing on September 2, 2008, for the proposed closing of 138.96 linear feet of an unnamed alley between East Peabody Street and East Ramseur Street was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9588

**SUBJECT: STREET CLOSING – 105.74 LINEAR FOOT PORTION OF SOUTH
DILLARD STREET (SC0800009)**

August 4, 2008

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt a resolution to set a public hearing on September 2, 2008, for the proposed closing of 105.74 linear foot portion of South Dillard Street was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9589

SUBJECT: NON-CITY AGENCY PROGRAM SPECIFIC COMPLIANCE EVALUATIONS (JUNE, 2008)

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive and accept the Non-City Agency Program Specific Compliance Evaluations (June, 2008) as presented and approved at the June 23, 2008 meeting of the Audit Services Oversight Committee was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: PROCUREMENT CARD COMPLIANCE AUDIT (APRIL, 2008)

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive and accept the Procurement Card Compliance Audit (April, 2008) as presented and approved at the June 23, 2008 meeting of the Audit Services Oversight Committee Meeting was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: FY 08-09 AGREEMENT TO IMPLEMENT THE DURHAM 10 YEAR RESULTS PLAN TO END HOMELESSNESS, BETWEEN THE CITY OF DURHAM, THE COUNTY OF DURHAM AND TRIANGLE UNITED WAY

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the expenditure of \$67,790.00 in general funds for continued implementation of the 10-Year Results Plan to End Homelessness;

To authorize the City Manager to execute the Agreement to Implement the 10-Year Plan between the City, the County, and Triangle United Way, Inc.; and

To authorize the City Manager to make changes to the Agreement prior to execution which do not increase the funding amount, lessen the duties of Triangle United Way, Inc. or extend the term of the agreement beyond June 30, 2009 was approved at 7:46 p.m. by the following vote:

August 4, 2008

Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: AMENDMENT TO EMPLOYMENT AND TRAINING 2006-2008 GRANT PROJECT ORDINANCE #13467

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to accept the State of North Carolina Employment and Training Grant by executing the grant documents; and

To adopt the City of Durham and the State of North Carolina "Employment and Training" Grant Project Ordinance FY 2006-2008 superseding Grant Project Ordinance #13467 in the amount of \$2,174,615.00 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13657

SUBJECT: AMENDMENT OF CITY OF DURHAM EMPLOYMENT AND TRAINING 2007-2009 GRANT PROJECT ORDINANCE #13531

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to accept the North Carolina "Employment and Training" Grant by executing the grant documents; and

To adopt the City of Durham and the State of North Carolina "Employment and Training" Grant Project Ordinance FY 2007-2009, superseding Grant Project Ordinance # 13531 in the amount of \$1,357,231.00 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13658

SUBJECT: REIMBURSEMENT RESOLUTIONS FOR COPS AND WATER AND SEWER REVENUE BOND FUNDED PROJECTS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt resolutions declaring the intent of the City to reimburse itself for capital expenditures incurred in connection with COPS financing for certain cultural facilities and equipment, various parking deck improvements, public safety facilities and equipment, and improvements to public buildings; and in connection with Revenue Bond financing for various improvements to the City's water and wastewater system of certain tax-exempt obligations to be executed during calendar year 2009 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor

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Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard.
Noes: None. Absent: None.

Resolution #s 9590 and 9591

**SUBJECT: PROPOSED ADVANCED ACQUISITION FOR THE FUTURE
EXPANSION OF LAKE MICHIE PROPERTY OF HAROLD R. AND
BETTY F. TOLER**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the acquisition in fee simple absolute of unimproved land from Harold R. and Betty F. Toler, identified as PIN # 0848-04-51-6951 (± 7.96 acres) for \$10,250.00 per acre for a total purchase price of \$81,590.00 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: PROPOSED ACQUISITION OF PROPERTY LOCATED AT 3743 CUB
CREEK ROAD FOR CARVER STREET EXTENSION PROJECT
PARCEL #171919**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the fee simple absolute acquisition of a 1.336+ acre lot, Parcel #171919, from William R. and Sara B. Dodson for \$41,500.00 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: ENO RIVER GREENWAY INCREASE CONSTRUCTION
CONTINGENCY**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to increase the project contingency by \$92,151.00, from the originally authorized amount of \$81,565.00 to \$173,716; and

To authorize the City Manager to negotiate and execute change orders on the Eno River Greenway Project provided that the cost of all change orders does not exceed the contingency and provided the total construction cost does not exceed \$1,469,137.00 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: THIRD FORK CREEK TRAIL CMAR AGREEMENT AND CIP
ORDINANCE AMENDMENT - SKANSKA USA BUILDING**

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MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt an ordinance amending the General Capital Improvement Project Ordinance, Fiscal year 2008-2009, Ordinance #13632 as amended; for the purpose of increasing the total appropriation to Open Space and Greenways (Third Fork Creek Trail) by \$402,590.00; reducing the Park Renovations Project by \$177,411.00; reducing the Athletic Field Renovations Project by \$44,993.00; reducing North South Greenway Upgrade Project by \$159,200.00; reducing Eno River Greenway Project by \$20,986.00.;

To authorize the City Manager to negotiate and execute an "Amendment No. 2" with Skanska USA Building for construction of the Third Fork Creek Trail Project, if the Final Guaranteed Maximum Price (GMP) does not exceed \$2,237,352.00;

To establish a project contingency equal to the difference between \$2,487,352.00 (which is the full amount budgeted for construction phase services), and the final GMP; and

To authorize the City Manager to negotiate and execute change orders on the Third Fork Creek Project, provided the total project cost does not exceed the amount budgeted for construction phase services was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13659

SUBJECT: NORTH PARKING GARAGE LEASE WITH AMERICAN CAMPUS OPERATING COMPANY, LLC

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt a resolution that authorizes the City Manager to advertise for upset bids in accordance with G.S. 160A-269 for the lease of 149 spaces in year one, 187 spaces in year two, and 225 spaces in year three and through the remainder of the term and provides that if no upset bids are received, the City Manager may accept the offer from American Campus Operating Company, LLC to lease the parking spaces with an option to renew for one five-year term at the rate established by City Council, which is currently \$45 per month per parking space;

To authorize the City Manager to execute the Second Amendment to the Parking Facility Management Agreement for the North Garage by and between The City of Durham and American Campus, LLC; and

To authorize the City Manager to execute the Lease Agreement and make changes to the agreement prior to execution provided such changes do not differ from the intent of the agenda memo was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9592

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SUBJECT: NORTH CAROLINA LEAGUE OF MUNICIPALITIES GREEN CHALLENGE

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt a Resolution for the City of Durham to participate in the North Carolina League of Municipalities Green Challenge was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9593

SUBJECT: CAROLINA THEATRE FACILITY CLOSURE IMPACT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to make a payment to the Carolina Theatre of Durham, Inc. in the amount of \$50,000.00 as a grant to offset operating losses that occurred as a result of the closure due to building repairs was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: 2007 ANNUAL REPORT DURHAM OPEN SPACE AND TRAILS COMMISSION

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive and accept the 2007 Annual Report of the Durham Open Space and Trails Commission was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: NORTH CAROLINA BRANCH OF THE KING'S DAUGHTERS AND SONS GRANT AWARD

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to accept the North Carolina Branch of the King's Daughters and Sons Grant in honor of Eric Hester to support the Durham's Citizens Observer Patrol Program by executing the grant documents; and

To adopt the North Carolina Branch of the King's Daughters and Sons Grant Project Ordinance in the Amount of \$1,000.00 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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Ordinance #13660

**SUBJECT: 2008 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
AWARD – COUNTY OF DURHAM**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute an inter-local agreement between the County of Durham and the City of Durham to submit a joint application for the aggregate of funds allocated to Durham county and for the City to receive one half (\$34,509.50) of the awarded JAG funds for purposes identified in the joint application; and

To adopt the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Programs 2008 JAG Program Grant Project Ordinance in the amount of \$34,509.50 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13661

**SUBJECT: AMENDMENT TO CHAPTER 70 ARTICLE XI, SECTION 70-751
PAYMENTS TO STORMWATER FACILITY REPLACEMENT FUND**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt an Ordinance Amending Chapter 70 Article XI, Section 70-751 Durham City Code to clearly define projects eligible for a reduction in payment to the Stormwater Facility Replacement Fund was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13662

**SUBJECT: PROFESSIONAL SERVICES AGREEMENT FOR THE INITIAL
PLANNING DOCUMENT FOR THE SOUTH ROXBORO STREET
EXTENSION - KIMLEY-HORN AND ASSOCIATES**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a Supplemental On-Call Agreement with Kimley-Horn and Associates in an amount not to exceed \$433,130.00 for the initial planning document for the South Roxboro Street Extension; and

To authorize the City Manager to modify the agreement before execution if required provided the modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the version approved by the City Council was approved at

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7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: CONTRACT FOR INSTALLATION OF TRAFFIC SIGNAL WITH MAST ARMS AT BRIGGS AVENUE AT LAWSON STREET AND NC 147 SOUTHBOUND ON-RAMP - FULCHER ELECTRIC OF FAYETTEVILLE, INC.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a contract with Fulcher Electric of Fayetteville, Inc. in the amount of \$115,385.39 for the installation of a traffic signal with mast arms at Briggs Avenue at Lawson Street and NC 147 Southbound On-Ramp;

To establish a project contingency fund in the amount of \$11,538.54; and negotiate change orders to the project provided the cost of all change orders does not exceed \$11,538.54 and the total project cost does not exceed \$126,923.93 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: CONTRACT FOR INSTALLATION OF TRAFFIC SIGNAL WITH MAST ARMS AT E. PETTIGREW STREET AT DRIVER STREET AND PEABODY STREET AND ASSOCIATED CAPITAL PROJECT ORDINANCE AMENDMENT - FULCHER ELECTRIC OF FAYETTEVILLE, INC.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt an ordinance amending the General Capital Improvement Project Ordinance, Fiscal Year 2008-09, as amended, the same being Ordinance #13632 for the purpose of recognizing additional N.C. Department of Transportation revenue of \$160,000.00;

To authorize the City Manager to execute a contract with Fulcher Electric of Fayetteville, Inc. in the amount of \$132,610.00 for the installation of a traffic signal with mast arms at E. Pettigrew Street at Driver Street and Peabody Street;

To establish a project contingency fund in the amount of \$13,261.00; and

To authorize the City Manager to negotiate change orders to the project provided the cost of all change orders does not exceed \$13,261.00 and the total project cost does not exceed \$145,871.00 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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**SUBJECT: MICROSOFT ENTERPRISE SOFTWARE LICENSING AGREEMENT -
COMPUCOM SYSTEMS INCORPORATED**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to accept the bid from CompuCom Systems Incorporated;

To authorize the City Manager to execute the contract in the amount of \$258,043.75 per year or for a three-year total of \$774,131.25 to furnish the City of Durham with a Microsoft Enterprise Licensing Agreement to cover the licensing of desktops, servers and training software for a three-year period; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: COMPUTER LEASE AGREEMENT AMENDMENT - EPLUS GROUP,
INCORPORATED**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a four (4) year lease agreement amendment with ePlus Group, Inc. for 251 desktop computers, 20 workstations, and 108 laptops in the amount of \$107,117.88 annually for four (4) years or a total of \$428,471.52; and

To authorize the City Manager to modify the amendment before execution provided that modifications do not increase the dollar amount of the amendment and the modifications are consistent with the general intent of the existing version of the amendment was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: PROPOSED SUPPLEMENTAL AGREEMENT NO. 1 TO EASEMENT
NO. DACW21-2-98-3619 WITH THE US ARMY CORPS OF ENGINEERS**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a Proposed Supplemental Agreement No. 1 to Easement No. DACW21-2-98-3619 with the US Army Corps of Engineers; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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SUBJECT: CONTRACT AMENDMENT - CONTRACT SR-48 – UTILITY EASEMENT MAINTENANCE MOWING/HAND CUTTING - BUSHHOG AMERICA, INC.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a contract amendment with Bushhog America, Inc., for Contract SR-48 – Utility Easement Maintenance Mowing/Hand Cutting in the amount of \$180,000.00 with the total project cost not to exceed \$754,000.00; and

To authorize the City Manager to make changes to the contract before execution provided the changes do not increase the amount to be paid by the City and do not decrease the goods and services to be provided to the City was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: 2008-2010 ON-CALL PROFESSIONAL SERVICES

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the 2008-2010 On-Call Professional Services Master Agreements and Pool List was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: 2008-2010 PROFESSIONAL TEMPORARY STAFFING SERVICES

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the 2008-2010 Professional Temporary Staffing Services Master Agreements and Pool List was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

The City Council disposed of the following agenda items at the July 24, 2008 Work Session:

21. FY 08-09 Home Agreements with Durham Community Land Trustees, Inc.

To authorize the expenditure of FY 08-09 HOME funds in an amount not to exceed \$200,000.00;

To authorize the City Manager to execute a HOME Community Housing Development Organization (CHDO) Grant Agreement and other related legal documents with Durham Community Land Trustees, Inc. in an amount not to exceed \$160,000.00 to support the acquisition and if necessary, demolition, of not fewer than five (5) lots, available for sale to low-to moderate-income households;

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To authorize the City Manager to execute a HOME Community Housing Development Organization (CHDO) Operating Grant Agreement and other related legal documents with Durham Community Land Trustees, Inc. in an amount not to exceed \$40,000.00 to support the activities of a Construction Manager to improve the West End Communities; and

To authorize the City Manager to modify any of the agreements before execution provided that the modifications do not increase the dollar amount of the agreements and do not lessen the obligations of the contractor.

(This item was approved at the 7/24/08 Work Session with a vote of 5/0)

23. Approval of an Economic Development Initiative (EDI) – Special Projects Subrecipient Contract between the City of Durham and Calvary Ministries of the Westend, Inc.

To authorize the expenditure of up to \$91,353.97 in Economic Development Initiative (EDI) – Special Projects grant funds by Calvary Ministries of the Westend Community, Inc. for the purchase of equipment for the kitchen at the Lyon Park Community Center; and

To authorize the City Manager to execute the Contract and to make minor modifications to the Contract which do not increase the Contract amount, lessen the obligations of the contractor or extend the term of the Contract beyond October 31, 2008.

(This item was approved at the 7/24/08 Work Session with a vote of 5/0)

24. Proposed Sale of Property at 521-C Eastway Avenue Pin# 0831-10-45-4586

To determine the property at 521-C Eastway Avenue to be surplus;

To authorize the sale of the property under the authority of Section 86 of the City Charter;

To accept the offer to purchase for the property located at 521-C Eastway Avenue; and

To authorize the City Manager to sell and the Mayor to convey the properties by a non-warranty deed and authorize the City Manager to terminate these contracts for sale if the contract terms are not fulfilled.

(This item was approved at the 7/24/08 Work Session with a vote of 5/0)

32. Purchase of Terraplas Field Protectant - Terraplas North America (a division of Venue Revenue, LLC)

To accept the bid from Terraplas North America (a division of Venue Revenue, LLC) for providing the City with “Terratile” field protectant, “TerracoverII” drivable roadway system, and compatible edging and wheelchair and vehicular access ramps;

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To authorize the City Manager to enter into a contract with Terraplas North America, in the amount of \$655,600.00 for providing the City with Terraplas Field Protectant, edging and ramps; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract.

(This item was approved at the 7/24/08 Work Session with a vote of 5/0)

45. Construction Contract for North Durham Water Reclamation Facility Primary Treatment Repairs - Water and Waste Systems Construction, Inc.

To authorize the City Manager to execute a contract with Water and Waste Systems Construction, Inc. for construction services in the amount of \$506,600.00 for the North Durham Water Reclamation Facility Primary Treatment Repairs Project;

To establish a contingency fund for the contract in the amount of \$25,330.00;

To authorize the City Manager to negotiate change orders for the contract provided that the cost of all change orders does not exceed contingency amount and the total project cost does not exceed \$531,930.00; and

To authorize the City Manager to modify the initial contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council.

(This item was referred back to the Administration – Water Management Dept.)

47. Contract FR-1, 2007 Facility Resurfacing, Amendment #1 - Barrett, Irvin and Jordan Construction, Inc.

To authorize the City Manager to execute a contract amendment with Barrett, Irvin and Jordan Construction, Inc. for Contract FR-1, 2007 Facilities Resurfacing;

To authorize an increase in the project contingency in the amount of \$100,000.00 for a total project contingency of \$168,163.44;

To authorize the City Manager to negotiate change orders for the contract provided that the cost of all change orders does not exceed the contingency amount and the total project costs does not exceed \$622,586.34; and

To authorize the City Manager to make changes to the contract amendment before execution, provided the changes does not increase the amount to be paid by the City and does not decrease the goods and services to be provided to the City.

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(This item was approved at the 7/24/08 Work Session with a vote of 5/0)

64. Trips for Kids - Triangle

To receive comments from Andrea Hundredmark regarding Durham's Fragile Youth.

(Comments were received at the 7/24/08 Work Session)

65. Residents of Tyler Court

To receive comments from David and Bernadette Chasteen regarding street lights.

(Comments were received at the 7/24/08 Work Session)

66. Harold L. Noell

To receive comments from Harold Noell regarding property crime and vacant houses.

(Citizen did not appear at the 7/24/08 Work Session)

67. Helen Navascues

To receive comments from Helen Navascues concerning panhandlers and dogs.

(Comments were received at the 7/24/08 Work Session)

68. Friends of West Point Park DOST

To receive comments from Josie McNeil regarding recycling in city parks.

(Comments were received at the 7/24/08 Work Session)

At this time during the meeting, Council Member Clement reminded the City Manager to provide a report at the August 7, 2008 Work Session concerning a four-day week schedule for City employees.

[GENERAL BUSINESS AGENDA]

SUBJECT: QUARTERLY CRIME REPORT – POLICE DEPARTMENT

To receive a presentation on the Police Department's Quarterly Crime Report.

Police Chief Jose Lopez gave a power point presentation on the second quarter 2008 crime report. He gave an overview highlighting the following categories: crime statistics, sworn staffing, non-sworn staffing, all index crimes, murder January – June; forcible rape January –

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June, Robbery January – June, Aggravated Assault January – June, Violent Crime January – June, Burglary January – June, Larceny January – June, Motor Vehicle Theft January – June, Property Crime January – June, Clearance Rates, Gun Seizures January – June, Operation Bull's Eye Update – 2nd Quarter January – June, Bull's Eye Stats August 2007 – June 2008, Facilities Update regarding the headquarters, Station 1 Joyland, Station 2 Northgate and Station 3 Lakewood, Station 4 UDI Service Center, Station 5 213 Broadway, 516 Rigsbee, Holloway Street School and other locations. Finally, he invited everyone to attend National Night Out on August 5, 2008.

Council held discussion on the market demand for scrap metal and the North East Central Durham Bull's Eye program.

Police Chief Lopez outlined his plan for dealing with precious metals and informed Council that he has had no conversation about pulling the Bull's Eye initiative from NECD.

Mayor Pro Tempore Cole-McFadden asked staff how many youth were involved in gun seizures and where are the guns coming from.

Council held discussion on the alternate site for Station 1.

Police Chief Lopez stated he would provide information on gun seizures and informed Council that they are still negotiating an alternate site for Station 1.

Council held discussion on vacancy rate, salaries, copper theft, facilities update for headquarters, and the rating of police department's abatement of crime.

Council Member Brown asked staff what is needed from the City to enhance its capabilities.

Police Chief Lopez replied funding for various projects, equipment as well as facilities.

Council held discussion on support for police substation 4.

Council Member Clement asked the Police Department to work with PAC 4 in determining the use of the police substation 4.

Council held discussion on the mobile unit and mall security.

Police Chief Lopez discussed how mall security is being addressed.

Council held discussion on the 6 p.m. curfew at malls, condition of the headquarters building, concerns regarding property crime and neighborhood watches.

Chief Lopez explained how neighborhoods could establish a neighborhood watch.

Mayor Pro Tempore Cole-McFadden congratulated Police Chief Jose Lopez for receiving his certification as a Police Chief.

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Council held discussion on neighborhood watches in the Bull's Eye area.

Mayor Bell asked the Police Chief to set a goal to have a certain number of community and neighborhood watches established in the Bull's Eye area and bring a report back to the City Council and the PACs.

Relative to the Bull's Eye program, Council Member Clement noted the committee/PAC 1 would like to have a web page to help coordinate information and other activities that take place in the operation Bull's Eye area.

Council Member Ali updated Council on the last NECD meeting where discussion took place on collaborating all of the efforts of NECD to include the Bull's Eye, economic development and NIS efforts to have a space to blog and talk about the issues of North East Central Durham. He stated information will be provided at the next NECD meeting.

Chief Lopez discussed the work that is going on to abate gang activity.

Council Member Clement asked the administration to provide a gang update from the Anti-Gang Coordinator.

City Manager Baker informed Council that a report will be provided at the August 7, 2008 City Council Work Session.

Note: No action was taken by the City Council on this item.

[PUBLIC HEARINGS]

**SUBJECT: ZONING MAP CHANGE – FAIRFIELD AT HILLANDALE (Z07-39) -
2800, 2951 BERTLAND AVENUE, AND 2619 OMAH STREET, SOUTH
SIDE OF BERTLAND AVENUE, WEST OF OMAH STREET, NORTH OF
I-85 AND EAST OF HILLANDALE ROAD – FF DEVELOPMENT, LP**

To receive public comments on the zoning map change for Fairfield at Hillandale (Z07-39);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-39 out of RS-M, RU-5 and CG and placing same in and establishing same as RU-M(D) and CG(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials;

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Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on consistency with the Comprehensive Plan, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Denial, 10-1 on February 12, 2008. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission does not believe this request is reasonable or in the public interest in light of the information in the staff report and comments received during the public hearing. The Commission recommends denial based on inconsistency with neighboring land uses, problems with traffic congestion, concerns regarding impacts on the environment and opposition from the community.

[The site is located at 2800, 2951 Bertland Avenue, and 2619 Omah Street, south side of Bertland Avenue, west of Omah Street, north of I-85 and east of Hillandale Road. PIN's: 0813-20-90-6113; 0823-17-00-0360, -3106)]

Note: Due to the withdrawal of signatures, the protest petition filed against this item is no longer valid.

Scott Whiteman, of the City/County Planning Department, briefed Council on the zoning map change from residential suburban multi-family, residential urban 5 and commercial general to residential urban multi-family and commercial general with a development plan. He informed Council that this item was continued from the May 19, 2008 City Council Meeting. Since that time, the applicant has proffered several additional/revised committed elements listed in the staff report to include: providing a club house, swimming pool and additional sidewalks, curb and gutter prior to the first certificate of occupancy rather than the 6th certificate of occupancy; providing \$5,000 for the construction of a bus shelter and committing to using materials that are consistent with the graphic building elevations provided at the previous Council Meeting. Additionally, he stated the applicant voluntarily prepared a traffic impact analysis for the project which demonstrates that no off-site traffic improvements are required as a result of the additional development. He stated staff is recommending approval of this request and the Planning Commission recommended denial. Finally, he reported that before the meeting he received an affidavit requesting signatures to be added to the protest petition; however, based on the advice of the City Attorney this is not within the timeframe required by the state statutes to add signatures to a petition in order for it to be validated.

Mayor Bell asked staff if there is a valid protest petition filed against this zoning map change.

Scott Whiteman, of the City/County Planning Department, replied no.

Mayor Bell opened the public hearing.

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Proponent

Patrick Byker, representing the applicant, spoke in support of this zoning map change. He stated in accordance with discussion about this zoning map change held back in May, the applicant has submitted a Traffic Impact Analysis as well as a Hillandale Neighborhood Traffic Study. He noted this information has been reviewed by the City's Transportation Division and concluded that no off-site traffic improvements are required for this project due to all of the area intersections functioning at an acceptable level of service. When combining that conclusion with NCDOT's improvements to Hillandale Road that were finalized last month, he reported it is fair to say that without this project, providing connectivity to Bertland, the traffic situation in this area would be worse than it is today. Without this development all neighborhood traffic would have to go north onto Carver Street in order to head south on Hillandale towards Duke, downtown, or RTP. They have studied this in-depth because they wanted to be a good neighbor and to ensure that apartment residents would have adequate access to Hillandale and Guess Roads. He stated the Neighborhood Traffic Study shows that the queue lengths would be accepted at area intersections. While there have been many concerns expressed about traffic with this project, the staff report confirms that traffic is not a valid reason to vote against this rezoning. Also, he addressed the crime issue raised by neighbors discussing the crime map reports of the Police Department to include 36 crimes committed over the last 18 months, provided an apartment comparison to what Fairfield would build highlighting the crime map reports for the Verge apartments on Chapel Hill Road and the Copper Hill apartments on Highway 54 and that report indicates that there were no reported crimes at either apartment complex over the past 18 months. He stated there would be no increase in crime in this part of Durham if the Fairfield apartments are built. Finally, he stated if this item is approved, Fairfield would build a very fine, top-quality apartment complex primary targeted to serving employees of Duke University Medical Center. He commented on Fairfield's track record, and stated staff has recommended approval of this request which is an appropriate development for Durham's urban tier. He urged staff to approve this request and provided Council with documentation in support of this project from Belinda Cagle and Stephen T. Vinson, Glenwood Development Company, the developer of Loehmann's Plaza.

Council held discussion on the committed elements.

Scott Whiteman, of the City/County Planning Department, informed Council that the 19 committed elements are a part of the staff report.

Opponents

Becky Schmitz, of 2900 Alabama Avenue, spoke in opposition to this zoning map change. She stated adding 240 units that are filled with rentals and not homeowners would severely impact their quality of life. She stated their home values would go down, traffic would be impacted, and their safety and security cannot be promised as a result of this development.

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Jonathan D. Smith, of 2900 Alabama Avenue, spoke against this zoning map change. He said this quiet neighborhood would be severely impacted by this development and urged that this area be developed the way it was intended in the current plan.

Laura Suski, of 2710 Omah Street, spoke in opposition to this rezoning. She stated they have done everything they could by law to include e-mails, telephone calls, attendance at meetings and signed a petition and it is difficult to comprehend that our city doesn't care about their family environment and neighborhoods within the city limits. She raised a concern with the cut-through traffic that would be generated by this development.

Jack Dailey, of 1914 Dartmouth Drive, spoke in opposition to this zoning map change. He spoke in support of the comments made by the Planning Commission that the request is not reasonable or in the public interest in light of the information in the staff report and comments received during the public hearing and that the request is inconsistent with neighboring land uses, problems with traffic congestion, and their concerns regarding impacts on the environment and opposition from the community. Finally, he stated the Planning Commission and the neighborhood do not believe that this request would benefit the surrounding neighborhood.

Lee Petrizle, of 1900 Dartmouth Drive, spoke against this zoning map change. He made comments on the neighborhood, urged Council to consider whether they would want to have this development in their backyard and to support the Planning Commission's request of denial.

Kathryn Hesse, of 3027 Alabama Avenue, spoke against this zoning map request expressing concern with designated wetlands on this property and requested assurance that the wetlands would be left undisturbed. She felt that the protection of these wetlands is not only demanded by law, but necessary for the proper drainage of properties north or upstream in the stream basin that feeds into Ellerbee Creek and if this water is diverted through a storm drainage system under our water management plan, Ellerbee Creek south of the property will suffer. She urged Council to not approve this item with the designated wetland areas.

Freddie Womack, of 2711 Omah Street, expressed concerns with crime and the construction that would take place for this development—traffic, hauling of equipment, cutting of trees that could cause cracks in existing homes in the area. He stated he would like for the applicant to pay for an inspector to meet with the residents before clearing the land and after to check the property. Along with the security guard that would be on site, he noted that he would like to see cameras placed on the entrance and exit of the development.

City Clerk Ann Gray read a statement addressed to Mayor Bell and members of the Durham City Council from John Graham, of 2013 Dartmouth Drive, opposing this zoning map change. The statement supported the recommendation of denial by the Zoning Commission, expressed pedestrian safety for the families on Fawn Avenue and urged Council to vote no against this request.

Anthony Moore, of 2709 Omah Street, spoke against this zoning map change. He expressed traffic and safety concerns for the children in the neighborhood.

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Jerry Goodwin, of 2715 Leyburn Place, spoke in opposition to this zoning map change. He raised a concern with the late notice he received Friday afternoon that the protest petition was no longer valid due to the removal of signatures and asked for an explanation on why a signature could not be added to the protest petition.

Interim City Attorney Karen Sindelar explained why a signature could not be counted for this protest petition. She reported state law requires that the protest petition has to be signed more than four days prior to the date of the hearing. In addition, she stated that state law allows for withdrawals of signatures, but does not allow for supplementation of signatures.

Alex Rota, of 2610 Dartmouth Drive, made comments against this zoning map change. He expressed concern with the impact the 240 units would have on the City's water supply.

Mrs. Harvey Goodwin, of 2751 Leyburn Circle, spoke against this item. She raised a concern that the applicant has not made the issue regarding a security guard a committed element. Also she expressed concern with the number of units and the traffic impact this development would have on the neighborhood. She provided Council with a handout, noted this development is not anything like the one at South Square and that the applicant has not committed to providing a walking trail, provision for dogs, bicycles and play equipment.

Linda Tilley, of 2802 Fawn Avenue, spoke against this zoning map change. She expressed traffic and safety concerns regarding this item.

Rebuttal

Patrick Byker, representing the applicant, addressed several of the statements made by persons speaking in opposition to this project. First, he made comments regarding the decline in property values. He stated the applicant is not aware of any basis for that and commented on the study prepared by the Urban Land Institute highlighting that there is no effect nationwide in terms of a decline in property values for single family detached homes when they are in close proximity to multi-family. He highlighted that there would be a decrease in the number of trips created by this property if it is developed under the Fairfield project as compared to what would be approved with just a site plan and administrative approval, this project is right in the middle of what the Comprehensive Plan calls for 14.5 units, reported the development is clearly separated from the wetlands on this property and the buffers comply with all existing regulations so there is no basis that this project would have any impact on the wetlands on this property. Regarding the water supply, he commented on the committed element concerning the fixtures that would be placed in this apartment complex, reported Fairfield Development has not developed any projects in the South Square area, and discussed the development that had been completed in Cary. He announced that the applicant has proffered to place speed humps on Omaha which would slow down the traffic from what is existing today. In closing, he stated there are people who live and work in this area who support this project, but could not be present tonight. Mr. Byker stated the applicant has provided Council with an excellent multi-family development for people, in all likelihood, who would work at Duke University Medical Center. He stated this is housing that should be provided in close proximity to Duke in order to comply with the principles of smart growth so that the residents would not have to drive so far.

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Council Member Woodard expressed concern that the proffer of \$10,000 to Durham Public Schools is low given the number of students that would be generated.

Patrick Byker, representing the applicant, stated the applicant will proffer a contribution of \$22,000 to the Durham Public Schools in accordance with the committed element already listed.

Council Member Woodard asked the applicant how they will be mitigating any potential damage to the wetlands area.

Bob Zumwalt, of the John R. McAdams Company, stated this development commits to no impact because the applicant is not allowed to develop outside those development envelopes and everything the applicant is doing is completely outside of any wetlands or stream buffers.

Council Member Catotti asked staff to confirm conclusions of the Traffic Impact Analysis relative to traffic patterns—movement along Bertland and Omah and north south movement, intersection of Bertland and Hillandale, process for speed humps--multiple egress and traffic flow and the conclusion about queue lengths at Bertland Avenue and Hillandale.

Wesley Parham, of the Transportation Division, noted the queue lengths identified in the study are not something that would require signalization because the intersection itself does not warrant signalization. He reported staff evaluated the study to see whether or not this project in itself, independent of the Hillandale Road widening project, would warrant the installation of a traffic signal at Bertland Avenue and the answer is no. While it reports a level service F at the intersection that's not atypical for a un-signalized intersection so the next step in the process was to determine whether the projected volumes on the side street would warrant a signal on Hillandale Road and the conclusion of that is no—it would not warrant a signal in itself. Relative to the movement north of Omah Street, Fawn Avenue and Carver Street, he stated it would be difficult to say that there would be no north bound traffic, but that there would be a benefit to providing an additional point of access in the neighborhood via a connection of Bertland Avenue out to Hillandale Road. While there may be some negatives there are some benefits as well for the remainder of the neighborhood certainly to provide an intersection that would be signalized as a part of the Hillandale widening project. Otherwise the neighborhood along the East side of Hillandale Road would not have another point of access that would allow them to make a direct left turn onto Hillandale. Also, he reported the DOT project would allow left movements into Fawn Avenue off of south bound Hillandale, but a left turn out would not be permitted. Anyone exiting Fawn Avenue onto Hillandale Road would have to go to the right and then go to one or two locations and make a u-turn.

Council Member Catotti asked staff to comment on the off-site parking on Bertland.

Wesley Parham, of the Transportation Division, noted if there is parking along Bertland now and it is interfering with the flow of traffic –ingress/egress to any driveways--that is something that staff can regulate with the proper signage—such as no parking signs. He informed Council that this is something that staff could handle administratively with the appropriate request.

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Wesley Parham, of the Transportation Division, informed Council that the committed element pertaining to speed humps is written to ensure that speed humps aren't just installed as a condition of zoning, but rather they meet all the same policy requirements that any speed hump would be subject to; however, the difference would be the applicant would be responsible for the construction cost. Also, he explained the criteria for installing speed humps and reported based on the numbers to-date, there is not enough traffic today on Omah to qualify for speed humps. He reported there would be some benefit to waiting until after the project is open to see if the volume of traffic increases to meet the City's requirement for speed humps.

Council Member Catotti asked staff if Committed Element #11 regarding the installation of speed humps would be helpful since the volume of traffic does not warrant speed humps.

Wesley Parham, of the Transportation Division, stated a determination could be made at the site plan stage that staff would require additional evaluation 12 months after the opening of the project.

Mayor Pro Tempore Cole-McFadden asked the applicant if the intent is to build this upscale development for Duke University employees.

Patrick Byker, representing the applicant, stated Duke University Medical Center is slated to be one of the fastest employment generators over the next few years; however, this is a good location for workers in the Research Triangle Park, downtown Durham as well as Duke.

Mayor Pro Tempore Cole-McFadden asked the applicant what assurances are in place that the group you mentioned will live in this project.

Brian Conley, representing Fairfield, stated security checks would be in place to verify credit history and salary income.

Mayor Pro Tempore Cole-McFadden asked the applicant how they can assure the residents that management would not change and that the development would be maintained in such a manner that would not cause any deterioration of the home values in the area.

Brian Conley, representing Fairfield, stated at this time--they plan on running this project; however, in the future, they cannot say they would not sell this property.

Mayor Pro Tempore Cole-McFadden asked the applicant what kinds of assurances are there that the increase in traffic would not interfere with the community life that the children are enjoying.

Patrick Byker, representing the applicant, made comments on the committed element to add speed humps if necessary. Also, he stated the applicant would be providing a sidewalk link that would make this neighborhood much more pedestrian friendly than it is today.

Mayor Pro Tempore Cole-McFadden asked the applicant if he could reduce the density.

Patrick Byker, representing the applicant, stated they are not able to do that.

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Council Member Brown asked the applicant the rent range for the apartments.

Brian Conley replied \$1,250 to \$1,300 for a two-bedroom, two-bath apartment plus utility.

Under the current zoning--commercial, Council Member Brown asked the applicant and the staff what could be placed on the site without the \$1 million improvements.

Patrick Byker, representing the applicant, replied the most likely use on this site would be a mixture of multi-family dwellings along with a hotel/motel. He stated the traffic generated simply with a site plan approval would be greater than the 240 apartments being proposed by this zoning request.

Scott Whiteman, of the City/County Planning Department, reported what the applicant noted is reasonable and the current zoning does allow commercial and multi-family.

Council Member Brown asked the applicant what has changed since the Planning Commission's vote and how many committed elements have been added.

Patrick Byker, representing the applicant, stated in February, NCDOT had not finalized their plans for Hillandale Road specifically where any median breaks would be north of I-85 and south of Carver Street. Last month, NCDOT finally released their plans showing the median break at Bertland Avenue and a left-turn movement from Fawn onto Hillandale Road would be restricted. So accordingly in their discussions with the neighborhood, by letter of support and from people removing their names from the protest petition--they realized that the traffic situation would be significantly tougher for people to commute downtown, to Duke, or RTP if the NCDOT improvements take place without this project being built and all the traffic would have to be routed to Carver Street in order to make a left turn on to Hillandale going south. Mr. Byker reported six additional committed elements have been added—Children's play area, bus shelter, decorative fencing, etc.

For clarification on the six-foot fence buffer, Patrick Byker, representing the applicant, stated the buffer would be increased beyond what the ordinance requires along Bertland and Omah in addition to the decorative fence. Also, there would be increased landscaping than what the ordinance requires along Bertland and Omah.

Due to construction concerns [cracks in the housing/Watts Hospital, etc.] raised by one of the opponents, Patrick Byker reported the construction techniques that would be used for the Fairfield apartments would be nowhere near as impactful than what was used to build I-85.

Council Member Ali asked the applicant if adding \$1 million of infrastructure improvements would improve or decrease the property values.

Patrick Byker, representing the applicant, replied based on his experience providing good quality infrastructure would have a significant improvement on the property values. He stated this

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project would have two unpaved streets paved, eliminate dust and noise and sidewalks would be installed.

Council Member Ali asked the applicant is there anything in this proposal that addresses the issue of deferred maintenance for apartments and landscaping.

Patrick Byker, representing the applicant, replied yes.

Council Member Clement asked the applicant if the market feasibility study completed for this project would accommodate the rental rate of \$1,250 to \$1,300.

Patrick Byker, representing the applicant, replied yes.

Council Member Woodard made comments regarding the construction traffic.

Brian Conley, of Fairfield, gave an explanation on how the construction traffic would be handled for this project. He proffered that the primary construction access would be off of Hillandale Road, Bertland Avenue and the secondary access if needed through Reichard Street—the commercial district. Also, he stated the applicant would be committing that none of the construction traffic would go north on Omah Street to Fawn Street.

Scott Whiteman, of the City/County Planning Department, stated staff would have to work on a complaint basis since this issue is difficult to enforce.

Regarding Committed Element #10, Council Member Catotti raised a concern with the timing of the decorative fence and the building size.

Patrick Byker, representing the applicant, proffered that no single building would have more than 24 units in it and would be limited to a three-story height.

Council Member Catotti asked staff questions regarding the open space, water concerns and capacity, and if a hotel would be permitted under the current zoning.

Scott Whiteman, of the City/County Planning Department, briefed Council noting staff is tracking the water capacity as part of its zoning staff reports and discussed the capacity available and the potential demand for this project.

For clarification, Mr. Whiteman stated under the current ordinance, a hotel would not be allowed.

Council Member Catotti asked why the school numbers were not included in the Traffic Impact Analysis.

Earl Llewellyn, of the John R. McAdams Company, discussed the two traffic related studies—Traffic Impact Analysis and Neighborhood Traffic Study—provided to Council. He informed Council that the Traffic Impact Analysis did have traffic counts that included the school traffic.

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Regarding alternative language for committed element #11---speed humps, Wesley Parham informed Council that the last sentence in that committed element should read as follows: The additional humps to be provided by the applicant must be constructed to the City of Durham standards no later than 12 months upon the issuance of the last certificate of occupancy.

Council held discussion on the traffic on Fawn Avenue and whether three speed humps would be sufficient.

Wesley Parham, of the Transportation Division, reported the number of speed humps would be determined in accordance with City policy.

Patrick Byker, representing the applicant, stated the applicant would be proffering four speed humps rather than three.

Mayor Bell stated he would be voting against this development based on the Planning Commission's vote of denial and the fact that the neighbors felt they would be harmed by this development.

Mayor Bell asked the audience if they had been persuaded as a result of the discussion heard tonight. The audience replied no.

It was indicated that there were several supporters in the audience who did not sign up to speak on this item.

Joan Stevenson, of 2901 Fawn Avenue, spoke in support for this item. She stated this development would improve the neighborhood as an upscale project and stated that the traffic on Fawn Avenue is not bad.

For clarification, Mayor Bell stated he asked the question since the only proponent to sign up for this item was Patrick Byker.

Council Member Brown made comments on the remarks made by the opponents.

Council Member Catotti asked staff to confirm the new committed elements or changes proffered by the applicant.

Scott Whiteman, of the City/County Planning Department, outlined the following revisions/additions proffered by the applicant: committed element #11 four additional humps to be provided by the applicant no longer than 12 months upon the issuance of the last certificate of occupancy; and for committed element # 15 the applicant shall make a donation of \$22,000 to the Durham Public Schools. The applicant also proffered that the primary construction entrance will be from Bertland off of Hillandale and the secondary access off of Reichard with no access from Omah and that no single building would have no more than 24 units.

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Patrick Byker, representing the applicant, confirmed revisions and additions read by staff and indicated that he would provide changes noted to the Planning Department on tomorrow.

Mayor Bell closed the public hearing.

MOTION by Council Member Brown seconded by Mayor Pro Tempore Cole-McFadden to receive public comments on the zoning map change for Fairfield at Hillandale (Z07-39);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-39 out of RS-M, RU-5 and CG and placing same in and establishing same as RU-M(D) and CG(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 10:32 p.m. by the following vote: Ayes: Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: Mayor Bell and Mayor Pro Tempore Cole-McFadden. Absent: None.

Ordinance #13664

**SUBJECT: PLAN AMENDMENT – ENO DRIVE AT DENFIELD STREET
(A0800002) – CITY OF DURHAM**

To receive public comments on the Eno Drive at Denfield Street (A0800002) Plan Amendment; and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Commercial to Low Density Residential (4 DU/Ac. or Less).

Staff Recommendation: Approval, based on the justification and meeting the four criteria for plan amendments

Planning Commission Recommendation: Approval, 9-4, June 10, 2008, based on the justification and meeting the four criteria for plan amendments

Joe Carley, of the City/County Planning Department, briefed Council on the plan amendment commenting on the staff report. He stated this is a City initiated case that came out of the Abandoned Corridors Study that was completed in December 2007 which recommended that this site be re-designated on the future land use map. He reported the proposed plan amendment would change the future land use map from Commercial to low density residential and the site would consist of 111 parcels east of Roxboro Road and west of Denfield Street. He noted there is no associated rezoning with this case and all the parcels within the boundary are zoned RS10 which allows for 3.5 units per acre so this plan amendment would make the future land use map

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compatible with the existing zoning for the area. He made comments on the contact staff had with the neighborhoods as well with the property owners and stated the Planning Commission along with staff have recommended approval for this plan amendment.

Mayor Bell opened the public hearing.

Attorney Kenneth Spaulding, representing some of the northern portion property owners, spoke in support for the plan amendment. He stated after careful review of the staff report and discussion with staff regarding the rationale, intent and purpose of this amendment to the Comprehensive Plan, his clients decided to follow staff's recommendation and will explore any future specific development with the knowledge of staff's willingness to review any said proposal on its full merits. He stated staff has indicated that its final determination of approval or disapproval would be based on the merits of any proposal that will be presented.

Paul Keller, of 5118 Peppercorn Street and Old Farm Neighborhood Association, spoke in favor of this item. He stated the residents would like to be assured that there is no commercial development in that neighborhood due to the land not being conducive for commercial development and would have an adverse effect on the Old Farms community in regards to traffic, water run-off and noise. Also, he stated the neighborhood would be opposed to higher density residential such as condos and apartment complexes, developments that are not similar to the look and feel of the Old Farm Neighborhood.

Beverly Rush, of 4304 David Street/Neighborhood Watch Coordinator, made comments in support of this item. She asked that the neighborhood remain as suggested by staff and the Planning Commission. Also, she stated she supports comments made by Mr. Keller of the Old Farm Neighborhood.

James McDuffie, of 302 Seven Oaks Road, spoke against this plan amendment expressing concern with the impact 111 units would have on the traffic, water, and schools. He urged Council to refer this item back to the Planning Department for continued dialogue with the citizens to have a comprehensive plan. He asked Council to address what are the motives and plans for this property since the City is the applicant.

James Hayslett, of 606 Saddle Ridge Avenue, spoke against this plan amendment. He noted this amendment would have an impact on the community, traffic and schools. He urged Council to step back and give the community an opportunity to have input on this issue.

Mayor Bell closed the public hearing.

Mayor Pro Tempore Cole-McFadden asked staff how many meetings were held with the communities surrounding this area.

Keith Luck, of the City/County Planning Department, informed Council that two meetings were held at the library, meetings with individuals who visited the Planning Department inquiring about this case and telephone conversation.

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For clarification, it was indicated there are no development projects in the pipeline.

Mayor Pro Tempore Cole-McFadden spoke in support of this item because there are no projects proposed at this time and stated it is better that this property be zone residential than commercial at this time.

Council Member Woodard asked staff what are the permitted uses that would be allowed under the current zoning.

Joe Carley, of the City/County Planning Department, reported the permitted uses would be single family residences and duplexes and there would be no commercial allowed under the current zoning. For clarification, he stated the future land use map does not convey development rights.

Council Member Woodard made comments regarding Eno Drive, the process and suggested that the intense commercial use also would cause problems in this area. He stated he supports this issue for personal, neighborhood and environmental reasons.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive public comments on the Eno Drive at Denfield Street (A0800002) Plan Amendment; and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Commercial to Low Density Residential (4 DU/Ac. or Less) was approved at 10:56 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9594

**SUBJECT: PLAN AMENDMENT – BOULDER/NC 54 (A07-14) –
PROENGINEERING, LLC**

To conduct a public hearing and receive public comments on the Boulder/NC 54 (A07-14) Plan Amendment; and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Low-Medium Density Residential (4-8 DU/Ac. or Less) to Office.

Staff Recommendation: Approval, based on the justification and meeting the four criteria for plan amendments

Planning Commission Recommendation: Denial, 13-0, June 10, 2008, based on the justification and meeting the four criteria for plan amendments

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Note: By a vote of 7/0, the City Council referred this item back to the administration at the request of the City Manager.

SUBJECT: STREET CLOSING – 302.35 LINEAR FOOT #10 ALLEY BETWEEN IREDELL STREET AND BROAD STREET (SC07-16) - DUKE UNIVERSITY

To conduct a public hearing on the permanent closing of a 302.35 linear foot alley between Iredell Street and Broad Street; and

To adopt an Order permanently closing a 302.35 linear foot alley between Iredell Street and Broad Street.

Scott Whiteman, of the City/County Planning Department informed Council that the applicant withdrew their application this afternoon and no further action is required by the Council.

SUBJECT: STREET CLOSING - AN UNOPENED PORTION OF T.W. ALEXANDER DRIVE LOCATED BETWEEN MIAMI BOULEVARD AND PAGE ROAD (SC07-10) – THE KEITH CORPORATION

To receive public comments to permanently close a 236.85 linear foot turnout portion of T.W. Alexander Drive located on the north side of T.W. Alexander Drive, east of Miami Boulevard and west of Page Road; and

To adopt an Order permanently closing a 236.85 linear foot turnout portion of T.W. Alexander Drive located on the north side of T.W. Alexander Drive, east of South Miami Boulevard and west of Page Road.

T. E. Austin, of the City/County Planning Department, briefed Council on the street closing. He reported the request has been reviewed by various departments and there are no issues regarding this item. He stated notification and advertisement requirements per state statute have been met and staff has recommended approval of this item.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive public comments to permanently close a 236.85 linear foot turnout portion of T.W. Alexander Drive located on the north side of T.W. Alexander Drive, east of Miami Boulevard and west of Page Road; and

To adopt an Order permanently closing a 236.85 linear foot turnout portion of T.W. Alexander Drive located on the north side of T.W. Alexander Drive, east of South Miami Boulevard and west of Page Road was approved at 10:56 p.m. by the following vote: Ayes: Mayor Bell, Mayor

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Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard.
Noes: None. Absent: None.

Ordinance #13665

**SUBJECT: ZONING MAP CHANGE – ANGIER HAVEN (Z05-45) – RD
CONSTRUCTION, INC. – EAST SIDE OF ANGIER AVENUE, WEST OF
RURITAN ROAD AND SOUTH OF GLOVER ROAD**

To receive public comments on the zoning map change for Angier Haven (Z05-45);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z05-45 out of RS-20 and CG and placing same in and establishing same as RS-M(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on consistency with the Comprehensive Plan, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval 8-3 on March 11, 2008. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report, comments received during the public hearing and additional committed elements proffered by the applicant at the meeting.

[The site is located on the east side of Angier Avenue, west of Ruritan Road and south of Glover Road. PIN's: 0840-04-42-8613, -41-9968, -03-41-7822)]

Scott Whiteman, of the City/County Planning Department, certified that for all Planning Department items tonight--notification has been provided as required by law and affidavits are on file for public review. He briefed Council on the staff report noting this zoning map change would change the zoning designation from residential suburban 20 and commercial general to residential suburban multi-family with a development plan and this site is within both the city and county jurisdictions. He commented on the use and gave an overview of the committed elements to include a maximum of 120 units, improvements to Angier Avenue and Ruritan Road,

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a dedication of a greenway easement, a provision for tree save and open space areas, a buffer along Angier Avenue, minimum lot size of 5,500 square feet and two tot lots and the use of skimmer basins for sedimentation and erosion control purposes. He stated this request is consistent with the policies of the Comprehensive Plan as well as the future land use map, reported staff as well as the Planning Commission and the Board of County Commissioners have recommended approval of this request.

Mayor Bell opened the public hearing.

Proponents

Tony Tate, representing the applicant, spoke in support of this zoning map change. He stated the applicant has tried to stay away from the major stream corridor and concentrate the development of the single family lots on each side of the stream corridor. He addressed the condition of the adjacent properties noting they are in a declining state and this new development would bring life back into the neighborhood. He reported this would be an affordable housing project and they have met all of the requirements of the Comprehensive Plan and received favorable votes from the Planning Commission and Durham Board of County Commissioners.

No one spoke in opposition to this zoning map change.

Council Member Woodard made comments on the students that would be added as a result of this project and asked the developer if he was making a commitment for the schools.

Cliff Zinner made comments on the discussion that was held with the County Commissioners and felt other land use commitments were preferred that the developer agreed to.

Council Member Woodard asked the applicant you are not willing to make a commitment to the schools above what has already committed for this project.

Cliff Zinner, representing the applicant, replied that's correct.

Council Member Catotti made comments on the definition of affordable housing.

For clarification, Cliff Zinner stated this would be a private development with no government funds; however, the neighborhood would be affordable housing.

Council Member Catotti expressed concern regarding the lack of pedestrian connectivity. She asked the applicant if there would be additional connectivity to the north once the larger site is developed.

Cliff Zinner, representing the applicant, replied exactly.

Regarding committed element #11, Council Member Catotti expressed concern about the applicant changing four-foot wide bike lanes for the frontage on Angier Avenue to two-foot wide outside lanes.

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The applicant explained why they changed from providing bike lanes to outside lanes commenting on the request from the County Commissioners.

For clarification on Committed Element 11--Scott Whiteman, of the City/County Planning Department, stated the applicant would be providing two-foot wide outside lanes along Angier Avenue between Street A and Ruritan Road.

Tony Tate, representing the applicant, stated the applicant would be providing an outside lane which is not on both sides.

Wesley Parham, of the Transportation Division, stated if the applicant is providing additional pavement there needs to be additional pavement in each direction. For clarification, Mr. Parham stated the applicant would be providing wide outside lanes for an additional two feet of pavement in each direction.

Tony Tate, representing the applicant, replied that's correct.

Council held discussion on the affordable housing projects completed by the developer.

Council Member Ali asked the developer if he could agree to a percentage of affordable housing in this development.

Cliff Zinner made comments on this being a private development.

Council Member Clement asked staff what would happen if this City does not approve this request since it has already been approved by the County.

Scott Whiteman, of the City/County Planning Department, stated since this development plan cannot stand on its own in one jurisdiction or the other, the request would not move forward.

Mayor Bell closed the public hearing.

MOTION by Council Member Clement seconded by Council Member Catotti to receive public comments on the zoning map change for Angier Haven (Z05-45);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z05-45 out of RS-20 and CG and placing same in and establishing same as RS-M(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 11:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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Ordinance #13666

**SUBJECT: ZONING MAP CHANGE - BRIGHTLEAF TRACT 3 OUTPARCEL
(Z0800001) – RHEIN INTERESTS OF RALEIGH, LLC – EAST SIDE OF
COPPER LEAF PARKWAY AND NORTH OF US HWY 70**

To receive public comments on the zoning map change for Brightleaf Tract 3 Outparcel (Z0800001);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z0800001 out of RS-20; F/J-B and placing same in and establishing same as PDR 3.990; F/J-B and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.]

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on consistency with the Comprehensive Plan, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 13-0 on June 10, 2008. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

Scott Whiteman, of the City/County Planning Department, briefed Council on the zoning map change to change the designation from residential suburban 20 to plan development residential with a permitted density of 3.99 units per acre. He stated the applicant is committing that the proposed zoning change would not increase the number of units and the request is consistent with the future land use map, and that staff and Planning Commission have recommended approval of this request.

Mayor Bell opened the public hearing.

Proponent

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Craigie Sanders, representing the applicant, spoke in support of the zoning map change. He stated the applicant has committed that this development would not increase the number of units for this parcel and would not increase the density for the overall Tract 3 for Brightleaf.

No one spoke in opposition to this zoning map change.

Mayor Bell closed the public hearing.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive public comments on the zoning map change for Brightleaf Tract 3 Outparcel (Z0800001);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z0800001 out of RS-20; F/J-B and placing same in and establishing same as PDR 3.990; F/J-B and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 11:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13667

SUBJECT: ZONING MAP CHANGE – GATEWAY TERRACE (Z0800021) – MJM REAL ESTATE GROUP – SOUTH SIDE OF DURHAM-CHAPEL HILL BOULEVARD [US 15-501], NORTH OF WATKINS ROAD, WEST OF SOUTHWEST DURHAM DRIVE

To receive public comments on the zoning map change for Gateway Terrace (Z0800021);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z0800021 out of RS-20 and OI; MTC and placing same in and establishing same as OI(D) and CG(D); MTC; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public

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interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on consistency with the Comprehensive Plan, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 11-2 on June 10, 2008. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report, comments received during the public hearing and additional committed element proffered by the applicant at the meeting.

Note: Valid protest petition filed against this item.

Scott Whiteman, of the City/County Planning Department, briefed Council on the zoning map change that would change the designation from residential suburban 20 and office institutional to office institutional and commercial general with a development plan. He made comments on the proposed use of a 68,000 square foot hotel and 7,250 of retail. He informed Council there are a number of committed elements to include uses on the site that would not generate more than 149 peak hour trips, maximum impervious surface of 70 percent, right-of-way dedication on Durham Chapel Hill Boulevard, construction of curb and gutter on Watkins Road, driveway access on Watkins and a provision for a tree save area. He stated the applicant has submitted revisions to the design guidelines for section 2B to include: All colors and finishes used on buildings would be consistent or complementary to those used at Patterson Place and for Section 3A – all colors and finishes used on buildings would be consistent or complementary to those used at Patterson Place as permissible by ordinance. He reported the request is consistent with the future land use map which designates the site for commercial and staff and the Planning Commission have recommended approval of this request.

Mayor Bell asked staff if a valid protest petition was filed against this zoning map change.

Scott Whiteman, of the City/County Planning Department, replied yes.

Mayor Bell opened the public hearing.

Proponents

Attorney Kenneth Spaulding, representing the applicant, spoke in support of this zoning map change. He informed Council that this request is in conformity with the new Comprehensive Plan and it carries out the goals and uses that have been set by Council and the County Commissioners for this location. He stated this site would be used for a hotel and a sit-down restaurant and is surrounded by mostly commercial properties and is consistent with all land uses in the area. He noted major road improvements are already underway in this area prior to this rezoning, stated the proposal is consistent with the requirements for protecting the environmental sensitive areas and it shows conformance to adopted plans. He made comments on the

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landscaping and stated they have heard of no opposition from the neighboring areas except for the adjacent property owner who has filed a protest petition to this rezoning.

Vinita Mittal, the developer, provided background information on MJM Real Estate Investments addressing their financial capabilities, why they closed on the land prior to the rezoning approval. She indicated they have agreed to a number of committed elements that public officials felt were in the best interest of the community and appearance of this project. She noted they were informed by the protest petitioner that there was no problem with the development; however, they wanted them to purchase almost an acre of their property. She stated they cannot purchase this property because of funding and the time delay to start this process over.

Bob Zumwalt, representing the applicant, described the following committed elements proffered by the applicant.

1. The combination of uses on the site will not generate more than 149 peak hour trips.
2. The maximum impervious surface area shall not exceed 70%.
3. 25' of additional right-of-way to be dedicated along 15-501 prior to the first building permit.
4. Curb and gutter both sides of the Watkins Road to City of Durham Standards for the frontage of the property and continuing to the intersection with Witherspoon Boulevard.
5. The site will be accessed by a minimum of 2 driveways and a maximum of 3 driveways from Watkins Road.
6. The area located within 100' of the western property corner along Watkins Road shall be preserved tree coverage as indicated on sheet DV-1. Any area within this portion of the site that is not covered with existing tree canopy will be replanted at the following rate per 1000 s.f. of area:
 - 5 – Evergreen understory trees (4-6' HT)
 - 3 – Deciduous understory trees (1.5" Cal.)
 - 10 – Evergreen shrubs (18-24" HT)
7. The developer agrees to leave all current and future rights-of-way along HWY 15-501 in an undisturbed state with the exception of removal of dead plant materials and invasive species such as kudzu and poison ivy.
8. The proposed stormwater management facility will be designed to accommodate wet detention in accordance with the criteria set forth in the NCDENR stormwater Best Management Practices Manual (October 2007).
9. The developer agrees to provide the following additional plantings along the Hwy 15-501 frontage of the property where parking is located within 15' of the right-of-way line:
 - 18" evergreen shrubs planted 36" o.c. to form a continuous hedge
 - 2.5" caliper canopy trees planted 25' o.c.

Opponent

Michael Waldroup, of 4201 University Drive, spoke against this zoning map change. He made comments on meetings held with the applicant, gave a description of property ownership, his investment in property near this proposal, peak hour trips and the property they purchased for the right of way for South West Durham Drive. He stated he had expectations that somebody

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would come along and work out a reasonable accommodation whereby they would take the Blackwood and Witherspoon properties off their hands and fold it into their development. Also, he expressed concern with the access on Watkins Road. He stated if Council approves this request, he would like to see some commitment that the applicant would take sewer to the property line. He stated without sewer and visible access the value of this property is zero and that Hooters need to be taken off the table as an option. He asked Council if they are better off making a decision in favor of one hotel, one restaurant and a single family lot, or whether the option of one hotel and two restaurants should be explored.

Council Member Ali asked Mr. Waldroup if he is asking Council to get involved in a business decision before a policy decision is made on this zoning map change.

Michael Waldroup stated they do not want to carry this property on the books which adds value to the proposed project. He noted he was protesting the effect of this development on their land value and that there is a better project out there.

Council Member Ali asked if this is about the applicant purchasing his land.

Michael Waldroup replied yes.

Council Member Brown expressed concern with the validity of the protest petition being utilized as a real estate transaction. He asked the applicant if he is interesting in purchasing Mr. Waldroup's property.

Attorney Kenneth Spaulding, representing the applicant, stated they cannot and are not interested in purchasing property that they do not need.

Council held discussion on modest reimbursement.

Council Member Catotti asked that an item be added to the Joint City/County Planning Committee agenda regarding the issue of developing a mechanism for shared transportation cost. She stated she would like for the applicant to commit to a family-oriented restaurant.

Attorney Kenneth Spaulding, representing the applicant, stated the applicant is proffering that there would be no Hooters on the site.

Council Member Catotti raised a concern with the timing of occupancy with the completion of the 15/501 road improvements.

Attorney Kenneth Spaulding stated the applicant is proffering that no certificate of occupancy shall be issued prior to August 1, 2010 or earlier if the road is completed.

Wesley Parham, of the Transportation Division, stated for clarification that the committed element would be no certificate of occupancy before August 1, 2010 or the completion date of the 15/501 improvement projects whichever comes first.

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Vinita Mittal, the developer, replied that's correct.

Council Member Catotti asked staff to define which sites since there are different phases of the 15/501 project.

Wesley Parham, of the Transportation Division, noted it would the 15/501 improvements adjacent to this site between Southwest Durham Drive and Mt. Moriah Road which would be more than adequate to address capacity concerns.

Council Member Woodard asked staff to address the enforceability regarding the colors and finishes similar to Patterson Place.

Scott Whiteman, of the City/County Planning Department, noted it is enforceable because it is a part of the zoning guidelines and staff would compare development of this tract to those of Patterson Place.

Mayor Bell closed the public hearing.

MOTION by Council Member Clement seconded by Council Member Brown to receive public comments on the zoning map change for Gateway Terrace (Z0800021);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z0800021 out of RS-20 and OI; MTC and placing same in and establishing same as OI(D) and CG(D); MTC; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 12:07 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13668

**SUBJECT: ZONING MAP CHANGE – BOULDER/HWY 54 (Z07-34) –
PROENGINEERING, PLLC – SOUTH SIDE OF NC 54, WEST OF
BOULDER ROAD AND EAST OF I-40**

To conduct a public hearing and receive public comments on the zoning map change for Boulder/Hwy 54 (Z07-34);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-34 out of RR, RS-20 and placing same in and establishing same as OI; and

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To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Note: By a vote of 7/0, the City Council referred this item back to the administration at the request of the City Manager.

Staff Recommendation: Denial, based on inconsistency with the Comprehensive Plan, and considering the information contained in this report and that the zoning change will create a non-conforming situation.

Planning Commission Recommendation and Vote: Denial, 13-0, on June 10, 2008. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. The Commission does not believe this request is reasonable or in the public interest in light of the information in the staff report and comments received during the public hearing. The Commission recommends denial based on concerns regarding traffic, neighboring land uses, and potential for the creation of a nonconforming use.

[The site is located on the south side of NC 54, west of Boulder Road and east of I-40. PIN's: 0728-01-15-0654, -2670)]

SUBJECT: ZONING MAP CHANGE - EPCON INITIAL (Z0800016A) – CITY OF DURHAM - WEST SIDE OF FARRINGTON ROAD, SOUTH OF THE INTERSECTION WITH EPHEsus CHURCH ROAD

To receive public comments on the initial zoning map change for EPCON Initial (Z0800016A);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Planned Development Residential (PDR 4.020), Residential Suburban-20 (RS-20); Falls/Jordan Protected Area (F/J-B), Major Transportation Corridor (MTC) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

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Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report.

Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report.

[The site is located on the west side of Farrington Road, south of the intersection with Ephesus Church Road. PIN's 0709-03-22-6087, -9191, -21-4287]

Scott Whiteman, of the City/County Planning Department, briefed Council on the initial zoning request. He stated staff and the Planning Commission recommended approval of this request.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Clement seconded by Council Member Woodard to receive public comments on the initial zoning map change for EPCON Initial (Z0800016A);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Planned Development Residential (PDR 4.020), Residential Suburban-20 (RS-20); Falls/Jordan Protected Area (F/J-B), Major Transportation Corridor (MTC) zoning for the property described in the staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials was approved at 12:08 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13669

**SUBJECT: ZONING MAP CHANGE - ELEMENTARY SCHOOL B INITIAL
(Z0800020A) – CITY OF DURHAM - EAST SIDE OF NORTHERN
DURHAM PARKWAY, SOUTH OF SHERRON ROAD**

To receive public comments on the initial zoning map change for Elementary School B Initial (Z0800020A);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Rural (RR); Falls/Jordan Protected Area (F/J-B) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that, while the action is not consistent with the Comprehensive Plan, it is reasonable and in the public

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interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report.

Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report.

[The site is located on the east side of Northern Durham Parkway, south of Sherron Road. PIN 0850-04-42-6963]

Scott Whiteman, of the City/County Planning Department, briefed Council on the initial zoning request. He stated staff and the Planning Commission recommended approval of this request.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Clement seconded by Council Member Woodard to receive public comments on the initial zoning map change for Elementary School B Initial (Z0800020A);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Rural (RR); Falls/Jordan Protected Area (F/J-B) zoning for the property described in the staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that, while the action is not consistent with the Comprehensive Plan, it is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials was approved at 12:09 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13670

SUBJECT: ZONING MAP CHANGE - BRIGHTLEAF COMMONS INITIAL (Z05-18A) – CITY OF DURHAM - NORTH SIDE OF US 70 AT SANDERS AVENUE, EAST OF HINESLEY DRIVE AND WEST OF ANGIER AVENUE

To receive public comments on the initial zoning map change for Brightleaf Commons Initial (Z05-18A);

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To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Rural (RR), Residential Suburban (RS-20), Commercial General (CG) and Office Institutional (OI); Falls/Jordan Protected Area (F/J-B) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that, while the action is not consistent with the Comprehensive Plan, it is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report.

Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report.

[The site is located on the north side of US 70 at Sanders Avenue, east of Hinesley Drive and west of Angier Avenue. PIN's 0759-01-18-3456, -6965, -7523, -8788, -8712, -9400, -9825, 28-0163, -0684, -2448, -4469, -5628, -6237, -6405, -7168]

Scott Whiteman, of the City/County Planning Department, briefed Council on the initial zoning request. He stated staff and the Planning Commission recommended approval of this request.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Clement seconded by Council Member Brown to receive public comments on the initial zoning map change for Brightleaf Commons Initial (Z05-18A);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Rural (RR), Residential Suburban (RS-20), Commercial General (CG) and Office Institutional (OI); Falls/Jordan Protected Area (F/J-B) zoning for the property described in the staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that, while the action is not consistent with the Comprehensive Plan, it is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials was approved at 12:10 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13671

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**SUBJECT: ZONING MAP CHANGE – BIVINS CREEK INITIAL (Z0800014A) –
CITY OF DURHAM - NORTH SIDE OF BIVINS ROAD AND WEST OF
CRYSTAL CREEK DRIVE**

To receive public comments on the initial zoning map change for Bivins Creek Initial (Z0800014A);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Rural (RR) and Planned Development Residential (PDR 2.000); Eno-B zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, it is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials. [

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report.

Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report.

[The site is located on the north side of Bivins Road and west of Crystal Creek Drive PIN 0815-04-60-5831]

Scott Whiteman, of the City/County Planning Department, briefed Council on the initial zoning request. He stated staff and the Planning Commission recommended approval of this request.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Clement seconded by Council Member Woodard to receive public comments on the initial zoning map change for Bivins Creek Initial (Z0800014A);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Rural (RR) and Planned Development Residential (PDR 2.000); Eno-B zoning for the property described in the staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, it is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials was approved at 12:11 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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Ordinance #13672

SUBJECT: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – COMMERCIAL NEIGHBORHOOD MINOR SPECIAL USE PERMIT (CN MSUP) (TC0700018)

T. E. Austin, of the City/County Planning Department, briefed Council on the text amendment which would revise the nonresidential development standards in the UDO to require a special use permit and a neighborhood meeting for development in the commercial neighborhood zoning that has new project floor area over 5,000 square feet and borders residential districts on two or more sides. He reported it would also make related revisions to the special use permit review factors.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Catotti seconded by Council Member Woodard to receive public comments on the Unified Development Ordinance (UDO) Text Change – Commercial Neighborhood Minor Special Use Permit (CN MSUP) (TC07000018); and

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, incorporating revisions to Article 3, Applications and Permits, and Article 6, District Intensity Standards was approved at 12:13 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13673

[SUPPLEMENTAL ITEM]

SUBJECT: RESOLUTION MEMORIALIZING ELLA FOUNTAIN KEESLER PRATT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to adopt a Resolution Memorializing Ella Fountain Keesler Pratt was approved at 12:13 a.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9595

There being no further business to come before the City Council, the meeting was adjourned at 12:14 a.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk